

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Xue-Feng Pei, Baoqing Li, and Maria-Luisa Maccicchini

Serial No.: Continuation of 09/833,855 Art Unit: Not Yet Assigned

Filed: September 17, 2003 Examiner: Not Yet Assigned

For: *SULFUR CONTAINING DIHYDROPHthalazine ANTAGONISTS OF EXCITATORY
AMINO ACID RECEPTORS*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicants submit an Information Disclosure Statement, including two (2) pages of Form PTO-1449. All of the documents cited below were cited by or submitted to the Patent Office in Application Serial No. 09/833,855, filed April 12, 2001, to which the present application claims priority. Pursuant to 37 C.F.R. §1.98(d), Applicants are not enclosing copies of these publications. Copies will be provided upon request, however.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-1868.

U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
5,716,956	02-10-1998	Pelletier	514/248
6,048,853	04-11-2000	Collins, et al.	514/212
6,329,370	12-11-2001	Napoletano, et al.	514/234.5

Foreign Documents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Country</u>
WO 96/40646	12-19-1996	Symphony Pharmaceuticals	PCT
196 17 863	10-30-1997	Schering	DE

Publications

Advanced Organic Chemistry, 4th ed., Wiley-Interscience Publication, New York (1992).

CHEN, et al., "Evaluation of five methods for testing anticonvulsant activities," *Proc. Soc. Exp. Biol. Med.* 87: 334-339 (1954).

HUSSY, et al., "Functional properties of a cloned 5-hydroxytryptamine ionotropic receptor subunit: comparison with native mouse receptors," *J. Physiol. (Lond.)* 481(2): 311-323 (1994).

LE PEILLET, et al., "The non-NDMA antagonists, NBQX and GYKI 52466, protect against cortical and striatal cell loss following transient global ischaemia in the rat," *Brain Res.* 571: 115-120 (1992).

LIPTON & ROSENBERG, "Excitatory amino acids as a final common pathway for neurologic disorders," *N. Engl. J. Med.* 330: 613-622 (1994).

MCBURNEY, "Therapeutic potential of NMDA antagonists in neurodegenerative diseases," *Neurobiol. Aging* 15: 271-273 (1994).

MELDRUM, "Excitatory amino acids in epilepsy and potential novel therapies," *Epilepsy Res.* 12: 189-196 (1992).

Remington's Pharmaceutical Sciences, 17th ed., p. 1418 (1985).

SMITH & MELDRUM, "Cerebroprotective effect of a non-N-methyl-D-aspartate antagonist, GYKI 52466, after focal ischemia in the rat," *Stroke* 23: 861-864 (1992).

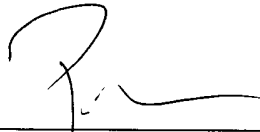
TARNAWA, et al., "Electrophysiological studies with a 2,3-benzodiazepine muscle relaxant: GYKI 52466," *Eur. J. Pharmacol.* 167: 193-199 (1989).

YAMAGUCHI, et al., "Anticonvulsant activity of AMPA/kainate antagonists: comparison of GYK! 52466 and NBQX in maximal electroshock and chemoconvulsant seizure models," *Epilepsy Res.* 15: 179-184 (1993).

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicants invite the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicants are of the opinion that their claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Dated: September 18, 2003

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known			
				Application Number		Continuation of 09/833,855	
				Filing Date		September 17, 2003	
				First Named Inventor		Xue-Feng Pei	
				Group Art Unit			
				Examiner Name			
Sheet	1	of	2	Attorney Docket Number		SYM 112 CON	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	US Patent Document		Name of Patentee or Applicant of Cited Document	Date of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,716,956		Pelletier	02-10-1998	
		6,048,853		Collins, et al.	04-11-2000	
		6,329,370		Napoletano, et al.	12-11-2001	

FOREIGN PATENT DOCUMENTS								
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		Office. ³	Number ⁴	Kind Code ⁵ (if known)				
		PCT	WO 96/40646		Symphony Pharmaceuticals	12-19-1996		
		DE	196 17 863		Schering	10-30-1997		

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

¹ Unique citation designation number ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	SYM 112 CON

OTHER ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Advanced Organic Chemistry, 4 th ed., Wiley-Interscience Publication, New York (1992).	
		CHEN, et al., "Evaluation of five methods for testing anticonvulsant activities," <i>Proc. Soc. Exp. Biol. Med.</i> 87: 334-339 (1954).	
		HUSSY, et al., "Functional properties of a cloned 5-hydroxytryptamine ionotropic receptor subunit: comparison with native mouse receptors," <i>J. Physiol. (Lond.)</i> 481(2): 311-323 (1994).	
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